

David Fisher

1512 166TH Ave

San Leandro CA 94578

Petitioner

FILED

JUL 14 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

SF

Jerry Brown

455 Golden Gate Ave St 11000

San Francisco CA 94102

Respondent

CV 8-01635 CW

Amended Petition

hereto I am formula I can make up


July 14, 2008. David Fred Fisher
David Fred Fisher

On the day April 26, 1994 Mr. Fisher was charged with the following offenses hereafter Penal Code 261 (a) (2) 2 counts Penal Code 288 (b) 2 counts forcible lewd act on a child under 14, Penal Code 2⁷⁰88 (a) (3) and Penal Code 270 continuous sexual abuse, hereto the partys crimes offenses.

I can't be that make up, that's a resume, continuous sexual abuse on a child, you can't be that make, run over.


I don't go that Mr. Fisher, no income
moreover, hereafter, to USA Amend. 12
, furthermore, I can't be temporarily
incapable make, USA Amend. 12.

I declare under perjury the foregoing is true and correct.



David Fred Fisher

David Fred Fisher

REGISTRATION RECEIPT	
<input checked="" type="checkbox"/> TEMPORARY REGISTRATION RECEIPT (Expires 10 days from date)	
<input type="checkbox"/> PERMANENT REGISTRATION RECEIPT	
<input checked="" type="checkbox"/> Penal Code Section 290	CII Number 09946501
<input type="checkbox"/> Penal Code Section 457.1	OLN D2896193
<input type="checkbox"/> Health and Safety Code Section 11590	
Name of Registrant FISHER, DAVID F	Date of Birth 3/13/1973
Residence Address 1512 166TH AV, SAN LEANDRO, CA, 94578	
Name of Registering Agency ALAMEDA COUNTY SHERIFF'S OFFICE / AND151	
Right Thumb Print 	
Date of Annual Update 03.15.05	Date of Registration 03.12.08
Signature of Registering Officer / Badge Number <i>[Signature]</i> #85	Signature of Registrant <i>David Fisher</i>

SS-8072 (Rev. 8/95) CAPS 06/01/06

A

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Name Fisher David E
(Last) (First) (Initial)

Prisoner Number None

Institutional Address _____

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

David Fred Fisher
(Enter the full name of plaintiff in this action.)

vs.

Steve Cambray et, al.

Case No. _____
(To be provided by the clerk of court)

**PETITION FOR A WRIT
OF HABEAS CORPUS**

(Enter the full name of respondent(s) or jailor in this action)

Read Comments Carefully Before Filling In

When and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

Who to Name as Respondent

You must name the person in whose actual custody you are. This usually means the Warden or jailor. Do not name the State of California, a city, a county or the superior court of the county in which you are imprisoned or by whom you were convicted and sentenced. These are not proper respondents.

If you are not presently in custody pursuant to the state judgment against which you seek relief but may be subject to such custody in the future (e.g., detainers), you must name the person in whose custody you are now and the Attorney General of the state in which the judgment you seek to attack was entered.

A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

1. What sentence are you challenging in this petition? Superior Court

(a) Name and location of court that imposed sentence (for example; Alameda County Superior Court, Oakland):

Amador County Superior Court Jackson

Court

Location

(b) Case number, if known _____

(c) Date and terms of sentence 45 6 Yrs

(d) Are you now in custody serving this term? (Custody means being in jail, on parole or probation, etc.) Yes _____ No ☒

Where?

Name of Institution: _____

Address: _____

2. For what crime were you given this sentence? (If your petition challenges a sentence for more than one crime, list each crime separately using Penal Code numbers if known. If you are challenging more than one sentence, you should file a different petition for each sentence.)

Penal Code 288 (b)

3. Did you have any of the following?

Arraignment:

Yes ☒

No ☐

Preliminary Hearing:

Yes ☒

No ☐

Motion to Suppress:

Yes ☒

No ☐

4. How did you plead?

Guilty ☐ Not Guilty ☒ Nolo Contendere ☐

Any other plea (specify) _____

5. If you went to trial, what kind of trial did you have?

Jury ☒

Judge alone ☐

Judge alone on a transcript ☐

6. Did you testify at your trial?

Yes ☒

No ☐

7. Did you have an attorney at the following proceedings:

(a) Arraignment

Yes ☒

No ☐

(b) Preliminary hearing

Yes ☒

No ☐

(c) Time of plea

Yes ☒

No ☐

(d) Trial

Yes ☒

No ☐

(e) Sentencing

Yes ☒

No ☐

(f) Appeal

Yes ☒

No ☐

(g) Other post-conviction proceeding

Yes ☒

No ☐

8. Did you appeal your conviction?

Yes ☒

No ☐

(a) If you did, to what court(s) did you appeal?

Court of Appeal

Yes ☒

No ☐

Year: 96

Result: Deficient

Supreme Court of California

Yes ☐

No ☐

Year: 98

Result: Deficient

Any other court

Yes ☐

No ☐

Year: _____

Result: _____

(b) If you appealed, were the grounds the same as those that you are raising in this

petition?

Yes _____ No ☒

(c) Was there an opinion?

Yes ☒ No _____

(d) Did you seek permission to file a late appeal under Rule 31(a)?

Yes _____ No ☒

If you did, give the name of the court and the result:

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal?

Yes _____ No ☒

[Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).]

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court: _____

Type of Proceeding: _____

Grounds raised (Be brief but specific):

a. _____

b. _____

c. _____

d. _____

Result: _____ Date of Result: _____

II. Name of Court: _____

Type of Proceeding: _____

Grounds raised (Be brief but specific):

1 a. _____

2 b. _____

3 c. _____

4 d. _____

5 Result: _____ Date of Result: _____

6 III. Name of Court: _____

7 Type of Proceeding: _____

8 Grounds raised (Be brief but specific):

9 a. _____

10 b. _____

11 c. _____

12 d. _____

13 Result: _____ Date of Result: _____

14 IV. Name of Court: _____

15 Type of Proceeding: _____

16 Grounds raised (Be brief but specific):

17 a. _____

18 b. _____

19 c. _____

20 d. _____

21 Result: _____ Date of Result: _____

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

23 Yes _____ No ☒

24 Name and location of court: _____

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to
27 support each claim. For example, what legal right or privilege were you denied? What happened?
28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: Continued on Page 1

6
7 Supporting Facts: _____
8
9
10

11 Claim Two: _____
12

13 Supporting Facts: _____
14
15
16

17 Claim Three: _____
18

19 Supporting Facts: _____
20
21
22

23 If any of these grounds was not previously presented to any other court, state briefly which
24 grounds were not presented and why:
25
26
27
28

1 List, by name and citation only, any cases that you think are close factually to yours so that they
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning
3 of these cases:

4 N/A

5
6
7 Do you have an attorney for this petition?

Yes _____

No ☒

8 If you do, give the name and address of your attorney:
9 _____

10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12
13 Executed on

July 11, 2008

14 Date

David Fred Fisher

15 Signature of Petitioner
16
17
18
19
20

(Rev. 6/02)

David Fred Fisher
1212 166th Ave
San Leandro, CA 94578

CV

United States District Court for the
Northern District of California
450 Golden Gate Ave, 16th Floor
San Francisco, CA 94102

RECEIVED

JUL 14 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

